

Alfred Davis Recd. 11.

Thomas Atkinson

Lake County Common Pleas

1 The Plaintiff for Replication to the several causes of defence contained in the answer of said Atkinson numbered respectively one, two, three & four, say they are denials of averments in the petition, she prays that their truth may be inquired of ~~by~~ the Court.

2 For Replication to the 5th statement of defence in said answer contained. The Plff. admits that the director of said Mutual Insurance Company, did make assessments against the deft. based upon his premium note, but the Plff. denies that they covered the full proportions which the deft. was bound, as a member of said Company, to pay, of the losses which accrued during the lifetime of his policy with the interest necessary expenses, He denies that said assessments were the same as those mentioned in the Petition she denies that the losses to pay which the assessments in the petition mentioned were made are the same losses to pay which the assessments mentioned in said answer were levied, She avers that no part of the assessments mentioned in the Petition have ever been paid by deft. that the same were necessary to pay losses sustained by members of the Company during the life of said policy which remain unpaid.

All allegations in said fifth matter of defence not herein specifically admitted or denied are here denied —

3. For replication to the defendant sixth cause of defence, the Plff. admits that the terms of policy

of Deft. expired July 3. 1857. He admits that the 2^d. 5th. 6th & 8th sections of the act of incorporation of said Company provide substantially as is averred in said sixth cause of defence. He admits that since the expiration of said policy Deft. has not been a member of said Company but avers that for all losses & liabilities that accrued during the life time of said policy his liability as a member continues that the apportionments mentioned in the Petition are for losses & liabilities which happened & occurred before the expiration of said policy & after its issue by said Company. Deft. admits that at the commencement of this ~~suit~~ Deft. was not a member of said Company by virtue of any existing policy. He admits that apportionments were from time to time made by the directors of said Company for losses which happened during the life time of said policy. He denies that apportionments were so made for all losses which happened in said periods or for the same losses & expenses mentioned in the Petition. He denies that the Deft. ever paid in any manner the apportionments mentioned in the Petition or that he ever paid his full proportion of all losses & expenses, which happened during the life of said policy & were incurred then & afterwards in the adjustment of said losses & in attempts to collect the same. He denies that said Company wrongfully applied the monies collected of the Deft. to losses that occurred before the commencement of Defendant's policy. He admits that neither he nor the said Company have sought to collect by action at law all of the apportionments that

were from time to time made by the directors of said Company to pay losses & expenses incurred during the terms mentioned in the Petition. He says that efforts were made by said Company before his appointment & have been since by him to collect said amount. He says that said Company were unable to collect from all the makers of deposits or premium notes their proportion of losses & expenses in consequence of insolvency, death, removal & other causes. He avers that a failure to collect all amount brought about by such reasonable causes, is no answer or defence to his suit, if they had been in fact made for the same losses. Every thing in the said sixth defence not here specifically admitted is hereby denied & the Plff. asks judgment as is prayed for in his said Petition.

Wm. L. Perkins
Baker & Lincoln Attys

The State of Ohio }
Medina County ss }

Alfred Davis the said Plaintiff being duly sworn says that the facts stated in the foregoing reply are true as he verily believes

Alfred Davis
Sworn to by said Alfred Davis & signed by him in my presence this the 25 day of March 1858.

John Cordding
Notary Public

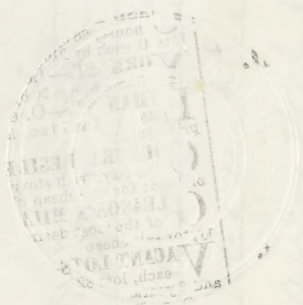
Fees 25. Paid Plff

Alfred Davis Recd

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Thomas Atkinson

Replication



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